

BILL NO. Z-73-11-32

ZONING ORDINANCE NO. Z-02-74-11-1

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. CC10.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B1B district under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof, and the symbols of the City of Fort Wayne Map No. CC10 referred to therein, established by Section 9, Article III of said Chapter as amended are hereby changed accordingly, to-wit:

Part of Lot numbered 1 in Richardville Reserve, West of the St. Marys River, Fort Wayne, Allen County, Indiana, described as follows, to wit: Beginning at a point located North 49 degrees 06 minutes West 666.6 feet and South 79 degrees 27 minutes West 31.9 feet from the intersection of the center line of the Winchester Road and the Southeasterly line of Lot numbered 1 in Richardville Reserve, thence South 79 degrees 27 minutes West 494.5 feet to the Easterly right-of-way of State Road numbered 1 and 3, thence North 10 degrees 40 minutes West along said Easterly right-of-way 382.7 feet, thence North 79 degrees 20 minutes East 189.4 feet to the Southwesterly right-of-way of Winchester Road, thence South 49 degrees 06 minutes East along said Southwesterly right-of-way 490.4 feet to the place of beginning, containing 3.00 Acres of land more or less.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.


Councilman

APPROVED AS TO FORM
AND LEGALITY


CITY ATTORNEY

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan

for the last time
the laws of the State of Indiana & title
Read pursuant to Chapter 1 Sec. 44 of the Municipal Code of the City of Fort Wayne, the Clerk presented the unsigned Bill No. Z-73-11-32 and a motion was made by Kraus and seconded by Hinga, and duly adopted, placed on its passage. LOST by the following vote:

Please refer to page No. -----

Read the third time in full and on motion by Kraus, seconded by Hinga, and duly adopted, placed on its passage.

~~Passed~~ (LOST) by the following vote:

	AYES <u>4</u>	NAYS <u>5</u>	ABSTAINED _____	ABSENT _____ to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KRAUS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NUCKOLS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, V.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STIER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TALARICO	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATE: 3-26-74

Charles W. Whitman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. _____ on the _____ day of _____, 197__.

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 197____, at the hour of _____ o'clock _____ M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 197____, at the hour of _____ o'clock _____ M., E.S.T.

MAYOR

Read the first time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: Mar. 13, 1973

Charles W. Talarico
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, placed on its passage.

Passed (~~EST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
KRAUS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, V.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

DATE: 3-12-74

Charles W. Talarico
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (^{Zoning} ~~Zoning Map~~) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (Resolution) No. 3-02-74 on the 12th day of March, 1974.

Charles W. Talarico
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of March, 1974, at the hour of 11:45 o'clock A. M., E.S.T.

Charles W. Talarico
CITY CLERK

Approved and signed by me this _____ day of _____, 197____, at the hour of _____ o'clock _____ M., E.S.T.

MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 13, 1973, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-73-11-32; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

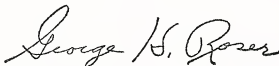
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 21, 1974;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 28, 1974.

Certified and signed this
29th day of January, 1974.



George Roser
Secretary

Bill No. Z-73-11-32

REPORT OF THE COMMITTEE ON COMMITTEE OF THE WHOLE

We, your Committee on Committee of the Whole to whom was referred an Ordinance

Amending the City of Fort Wayne Zoning Map No. CC10

CONCURRED IN

DATE 3-26-74 CHARLES W. WESTERMAN, CITY CLERK

have had said Ordinance under consideration and beg leave to report back to the Common

Council that said Ordinance Do Not PASS.

Paul M. Burns

Vivian G. Schmidt

Samuel J. Talarico

John Nuckols

Donald J. Schmidt

William T. Hinga

Eugene Kraus, Jr.

Winfield C. Moses, Jr.

James S. Stier

Charles W. Westerman

Samuel J. Talarico

John Nuckols

Donald J. Schmidt

William T. Hinga

Eugene Kraus, Jr.

James S. Stier

Bill No. Z-73-11-32

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
Amending the City of Fort Wayne Zoning Map
No. CC10

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

John Nuckols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

DATE 3-12-74 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

office of the mayor

March 14, 1974

Mr. Charles W. Westerman
Clerk of the City of Fort Wayne
City-County Building
Fort Wayne, Indiana 46802

Dear Mr. Clerk:

I am returning unsigned Bill No. Z-73-11-32.

I am returning the bill unsigned for the reason that the action of the City Council is contrary to the recommendation of the Plan Commission. It has been and will continue to be my policy to ask Council to reconsider such actions. I would appreciate a member of the Plan Commission or of the Plan Commission staff being invited to attend the hearing when this bill is reconsidered so that the reasons which the Plan Commission used in making its recommendation of "DO NOT PASS" are fully explained to City Council.

Very truly yours,

Ivan A. Lebamoff, Mayor

IAL:ddc

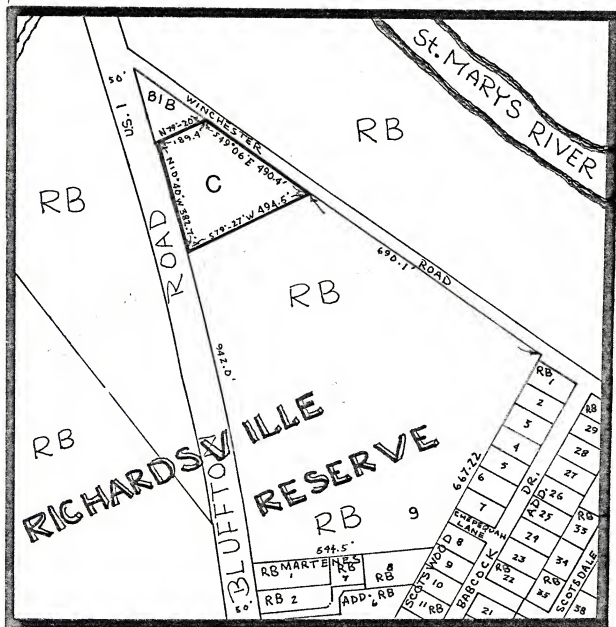
RECEIPT

N^o 231

GENERAL FUND

FT. WAYNE, IND., OCT. 17, 1973RECEIVED FROM PAULA H. MEYER & ELMA L. MEYER \$ 50⁰⁰THE SUM OF Fifty and ⁰⁰/₁₀₀ 100 DOLLARSON ACCOUNT OF RECLASSIFYING FROM R-B DISTRICT TO
B-1-B DISTRICTA. E. Stolte

AUTHORIZED SIGNATURE



C-CHANGE FROM RB TO B1B

2-73-11-32

TO: COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA Date Filed October, 1973

I/We Paul A. H. Meyer and Elma L. Meyer, husband and wife, Intended Use B-1-B
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a ~~XXX~~ R-B District to a ~~XXX~~ B-1-B District the property described as follows:

See legal description and survey of same, attached hereto and by this reference made a part hereof.

(Legal Description)

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Paul A. H. Meyer</u>	<u>4613 Kekionga Drive</u>	<u>PAUL A. H. MEYER</u>
	<u>Fort Wayne, Indiana</u>	
<u>Elma L. Meyer</u>	<u>4613 Kekionga Drive</u>	<u>ELMA L. MEYER</u>
	<u>Fort Wayne, Indiana</u>	
(Name)	(Address)	(Signature)

Legal Description Checked By: _____ (City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

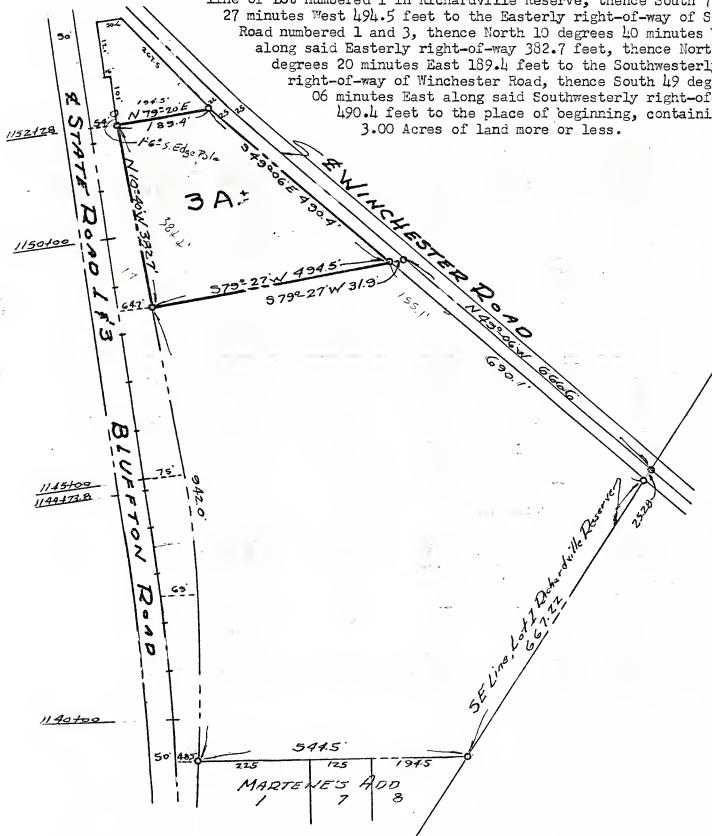
<u>MICHAEL H. KAST</u>	<u>305 Lincoln Bank Tower</u>	<u>743-5366</u>
(Name)	(Address)	(Telephone Number)
	<u>Fort Wayne, Indiana 46802</u>	

City Plan Commission, City-County Building, Room 800, One Main Street,
Fort Wayne, Indiana 46802 Telephone Number 423-7571

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OFFICE OF **H. K. GOTTSCHALK**
 REGISTERED PROFESSIONAL CIVIL ENGINEER
 FORT WAYNE, INDIANA

The undersigned Civil Engineer, registered as provided by an Act of the 72nd General Assembly of the State of Indiana, hereby certifies that he has made a resurvey of the real estate depicted and described below. Measurements were made in feet and decimals and the corners were perpetuated as shown, in conformity with the plat and deed record thereof in the office of the Recorder of Allen County, Indiana. No encroachment existed, except as noted. The description of the real estate is as follows, to wit: Part of Lot numbered 1 in Richardville Reserve, West of the St. Marys River, Fort Wayne, Allen County, Indiana, described as follows, to wit: Beginning at a point located North 49 degrees 06 minutes West 666.6 feet and South 79 degrees 27 minutes West 31.9 feet from the intersection of the center line of the Winchester Road and the Southeasterly line of Lot numbered 1 in Richardville Reserve, thence South 79 degrees 27 minutes West 494.5 feet to the Easterly right-of-way of State Road numbered 1 and 3, thence North 10 degrees 40 minutes West along said Easterly right-of-way 382.7 feet, thence North 79 degrees 20 minutes East 189.4 feet to the Southwesterly right-of-way of Winchester Road, thence South 49 degrees 06 minutes East along said Southwesterly right-of-way 490.4 feet to the place of beginning, containing 3.00 Acres of land more or less.



Job No. 17963
 For Gordon W. Banks, Realtor

IN WITNESS WHEREOF, I hereunto place my hand
 and seal this 12 day of January, 19 68

H. K. Gottschalk

City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Richard Wanush - City Plan Commission Date 2-8-74

From Charles W. Westerman - City Clerk

Subject Appearance before Common Council - February 12, 1974

COPIES TO:

RE: BILL NO. Z-73-11-32
BILL NO. Z-73-11-33
BILL NO. Z-73-11-47

Your presence is requested on February 12, 1974, at 7:00 o'clock P.M., Room 124, by the members of the Common Council and the members of the Standing Committee of Regulations, in regard to Bill Nos. Z-73-11-32, Z-73-11-33 and Z-73-11-47.

It is also requested that you bring along any materials or information that you may have which will help the Council in its decision regarding the above bill.



Charlie

City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Richard Wanush - City Plan Commission Date 2-27-74

From Charles W. Westerman - City Clerk

Subject Appearance before Common Council - March 5, 1974

COPIES TO:

RE: BILL NO. Z-73-11-32

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. CC10.

Your presence is requested on March 5, 1974, at 7:30 P.M.,
Room 124, by the members of the Common Council and John Nuckols,
Chairman of the Regulations Committee, in regard to the
above bill.

It is also requested that you bring along any materials or
information that you may have which will be of help in the
Council's decision regarding the above bill.

Charlie



Pursuant to the Law and Rules of Common Council and the order from the President of Common Council that the Attorney is to study all action taken regarding Bill No. Z-73-11-32

Said action was determined by Council's Attorney and his findings reported to the Clerk as follows:

1. All action taken on Bill Z-73-11-32, on Ordinance amending the City of Fort Wayne Zoning Map No. CC10. After said Bill was returned to the City Clerk unsigned by the Mayor, further Common Council action on Feb. 26, 1974, failed to over-ride said veto. Therefore, said Bill 73-11-32 is recorded as a Lost ORdinance.

2. Action taken by members of Common Council at the conclusion of the Feb. 26, 1974, Regular Session of Common Council, regarding Bill Z-73-11-32, was determined by Council's Attorney, that the Council action regarding the setting aside the above action on same date and the motion to reconsider on the motion regarding a Special Session on the same date was not in accord or legal regarding Bill No. Z-73-11-32.

3. Therefore by the ruling of the President of the Common Council that the Common Council Attorney determine the legality of above action, I, as City Clerk, have omitted all motions pertaining to the setting aside action on Z-73-11-32 from this Journal of Proceedings, by recommendation of Council's Legal Attorney.

John H. Logan City Council Attorney

Charles W. Westerman - City Clerk

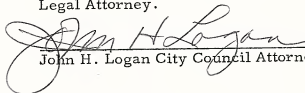
Pursuant to the Law and Rules of Common Council and the order from the President of Common Council that the Attorney is to study all action taken regarding Bill No. Z-73-11-32

Said action was determined by Council's Attorney and his findings reported to the Clerk as follows:

1. All action taken on Bill Z-73-11-32, on Ordinance amending the City of Fort Wayne Zoning Map No. CC10. After said Bill was returned to the City Clerk unsigned by the Mayor, further Common Council action on Feb. 26, 1974, failed to over-ride said veto. Therefore, said Bill 73-11-32 is recorded as a Lost ORDinance.

2. Action taken by members of Common Council at the conclusion of the Feb. 26, 1974, Regular Session of Common Council, regarding Bill Z-73-11-32, was determined by Council's Attorney, that the Council action regarding the setting aside the above action on same date and the motion to reconsider on the motion regarding a Special Session on the same date was not in accord or legal regarding Bill No. Z-73-11-32.

3. Therefore by the ruling of the President of the Common Council that the Common Council Attorney determine the legality of above action, I, as City Clerk, have omitted all motions pertaining to the setting aside action on Z-73-11-32 from this Journal of Proceedings, by recommendation of Council's Legal Attorney.


John H. Logan City Council Attorney


Charles W. Westerman - City Clerk

DIGEST SHEETTITLE OF ORDINANCE Zoning Map Amendment Ordinance 3-73-11-321DEPARTMENT REQUESTING ORDINANCE City Plan CommissionSYNOPSIS OF ORDINANCE Preparation of a Zoning Map Amendment OrdinancePetition initiated by property owners to rezone property located as follows:

A triangular shaped parcel of ground located on the east side of Bluffton Road,
on the west side of Winchester Road, North of the Winchester Woods Apartments,
and approximately 268 feet south of the intersection of Winchester Road and
Bluffton Road.

From "RA" to "B1B"EFFECT OF PASSAGE Property is presently zoned "RB" - SuburbanResidential. Petitioners are requesting a "B1B" District - Limited Business.EFFECT OF NON-PASSAGE Property would remain suburban residentialMONEY INVOLVED (Direct Costs, Expenditures, Savings) noneASSIGNED TO COMMITTEE (J.N.) Reg - wca